



NIE0003-US

PATENT

3732

#5

Section
J. Bryce
9/23/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
JORGE ABEL GROISO

Serial No.: 10/051,156

Filed: January 22, 2002

For: BONE STAPLE AND METHODS
FOR CORRECTING BONE
DEFICIENCIES BY
CONTROLLABLY SUPPRESSING
AND/OR INDUCING THE
GROWTH OF THE EPIPHYSEAL
PLATE

Art Unit: 3732

Examiner: PRIDDY, MICHAEL B.

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on August 15, 2003, Applicant hereby provisionally elects, with traverse the fifth embodiment shown in figure 11. Claims 1-21 are readable on the elected species. This election is made without prejudice to Applicant's right to file divisional applications directed to the non-elected groups.

However, applicant respectfully traverses the restriction requirement since the subject matter of all of claims 1-21 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. This is clearly evidenced by the fact that Applicant's election has resulted in no claims being withdrawn from consideration.

Serial No.: 10/051,156
Art Unit: 3732

Attorney's Docket No.:NIE0003-US
Page 2

Accordingly, it is respectfully requested that the restriction requirement be withdrawn and that the present application be examined according to MPEP § 803 so as to avoid unnecessary delay and expense to the Applicants and improper duplicative examination by the Patent Office.

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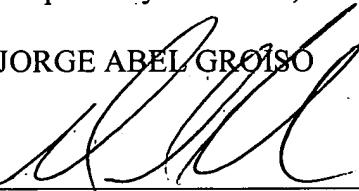
Date: September 15, 2003

MDB/BCM/ggb

Respectfully submitted,

JORGE ABEL GROISO

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Document #: 1250732 v.1